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DISTRICT OF DELAWARE

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DATE: 6/2/06

TO: Daniel Scialpi, Esq. and Marc Niedzielski, Esq.

RE: CA# 04-370-SLR CASE CAPTION: Doherty v. Dept. of Corrections, et al.

DOCUMENT TITLE: Initial Disclosures

As noted below, a document or a courtesy copy has been filed in the above noted case which ***does not conform*** to one or more of the Administrative Procedures Governing Filing and Service by Electronic Means, or other local rules/practices. **The Court will take no action on the filed document until the following discrepancies are corrected:**

- ☐ Copy must be properly bound. Rubber bands and binder clips are not acceptable bindings (e.g. Brief, Appendix).
- ☐ Courtesy copy not received by next business day.
- ☐ Redacted copy of sealed document not received within 5 business days.
- ☐ Pro Hac Vice fee not yet paid.
- ☐ The attorney account used for filing a document does not agree with the signature (either electronic or /s/) on the document.
- ☐ Certificate of Service not included with the document.
- ☒ Discovery document(s) erroneously filed: DI# Nos. **32-33** will be removed from the docket.
- ☐ 7.1.1 statement required with non-dispositive motions was not included with the document.
- ☐ Request for extension of discovery or trial deadline lacks proof of notification to the client, or lacks the reasons for the request.
- ☐ Brief exceeds the page limitations _____.
- ☐ Brief does not include a paginated table of contents/citations.
- ☐ Diskette or CD exceeds 2.5 megabytes. Please divide document into multiple files that do not exceed the size limitation and resubmit to the Clerk's Office for filing.
- ☐ Document not in PDF format. Provide disk/CD with document in PDF format.
- ☐ Document not readable in PDF reader, or ☐ appears to be missing pages.
- ☒ Other: **See Local Rule 5.4**

If there are any questions concerning this matter, please do not hesitate to contact this office. Also, *ECF Tips* on our web site may be of interest to you, viewable at <http://www.ded.uscourts.gov>.

cc: Assigned Judge

/s/ Francesca Tassone

RULE 5.4. Discovery Materials Not Filed Unless Ordered or Needed.

- (a) **Service Without Filing.** Except in cases involving pro se parties, all requests for discovery under Fed. R. Civ. P. 31, 33 through 36, and 45, and answers and responses thereto, and all required disclosures under Fed. R. Civ. P. 26(a), shall be served upon other counsel or parties but shall not be filed with the Court. In lieu thereof, the party requesting discovery and the party serving responses thereto shall file with the Court a "Notice of Service" containing the following:
- (1) a certification that a particular form of discovery or response was served on other counsel or opposing parties, and
 - (2) the date and manner of service. Filing the notice of taking of oral depositions required by Fed. R. Civ. P. 30(b)(1), and filing of proof of service under Fed. R. Civ. P. 45(b)(3) in connection with subpoenas, will satisfy the requirement of filing a "Notice of Service." In cases involving pro se parties; all requests for discovery under Fed. R. Civ. P. 31, 33 through 36, and 45, and answers and responses thereto, shall be served upon other counsel or parties and filed with the Court.
- (b) **Retention of Originals.** The party responsible for service of the request for discovery and the party responsible for the response shall retain the originals and become the custodian of them. The party taking an oral deposition shall be custodian of the original; no copy shall be filed except pursuant to subparagraph (c). In cases involving out-of-state counsel, local counsel shall be the custodian.
- (c) **Filing Where Necessary.** If depositions, interrogatories, requests for documents, requests for admissions, answers or responses are to be used at trial or are necessary to a pretrial or post trial motion, the verbatim portions thereof considered pertinent by the parties shall be filed with the Court when relied upon.
- (d) **Appeals.** When discovery not previously filed with the Court is needed for appeal purposes, the Court, on its own motion, on motion by any party or by stipulation of counsel, shall order the necessary material delivered by the custodian to the Court.
- (e) **Orders to File the Original.** The Court on its own motion, on motion by any party or on application by a non-party, may order the custodian to file the original of any discovery document.
- (f) **Notice of Filing.** When discovery materials are to be filed with the Court other than during trial, the filing party shall file the material together with a notice (1) stating, in no more than one page, the reason for filing and (2) setting forth an itemized list of the material.

Source: Former Delaware Local Rule 4.1.E. with revisions, including revisions to conform to the 1993 Amendments to Fed. R. Civ. P. 26(a).